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TOLER SCHAFFER, LLP			SING, SIMON P	
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AUSTIN, TX 78759				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,292

Applicant(s)

CHANG, HISAO M.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-56 and 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-56 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 40, 41, 44, 47-50, 52-56 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney et al. US 6,038,293 in view of Wolf US 5,946,377.

1.1 Regarding claim 40, McNerney teaches system for transferring telephone calls between IVRs and call centers in figure 1, comprising:

a data module (switch 22) to receive an incoming call, the data module responsive to one or more remote IVRs in other call centers, the data module selectively answering the incoming call (only calls directed to call centers 16 and 18, or only when telephone lines of the call centers are available) (column 1, lines 29-36), McNerney also teaches Internet telephony (column 3, lines 16-20; column 6, lines 9-11);

a first IVR 24 coupled to the data module responsive to the incoming call to engage an voice dialog with a caller using a set of language models to generate a message to a caller (column 3, lines 16-35), and to generate a routing message (column 1, lines 39-43); and

a call routing module (ACD 36 or 48) coupled to the first IVR to receive and to decode the message, and to route the incoming call to an agent determined by the decoded message (column 1, lines 33-43), the routing module also routes the incoming call through its computer telephony interface to transmit data information to an agent's work station (column 3, lines 40-43, 61-67; column 4, lines 1-3).

McNerney teaches a caller may desire to speak to an agent and the caller is routed to an airline reservation agent (column 1, lines 39-43), but fails to explicitly teach this routing is based on IVR routing rules and logic. McNerney also fails to teach receiving calls from Internet.

However, Wolf teaches an IVR for prompting a caller to press number "1" on his telephone keypad to receive his account balance automatically, or to press number "2" to speak a customer service representative (column 1, lines 12-27), and it is inherent that when number "2" is pressed, the IVR would have generated a routing message, which in turn would have been decoded by a switch to route the caller to the customer service representative (live agent).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McNerney's reference with the teaching of Wolf, so that an incoming call would have been routed to an agent based on IVR rules and logic incoming calls, because such a modification would have clarified how a call was routed from an IVR to an agent.

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1.2 Regarding claim 41, McNerney teaches a CRS 26 to access contact history of the caller (column 5, lines 54-67).

1.3 Regarding claim 44, it is obvious that the IVR plays a default message (group message), such as welcome message to a caller when receiving a call.

1.4 Regarding claim 47, McNerney teaches transferring a call to an agent station (Column 4, lines 50-55).

1.5 Regarding claim 48, McNerney teaches transferring call information, including a caller's spoken name and information requested by the caller, to an agent (column 4, lines 25-39, 50-55).

1.6 Regarding claim 49, McNerney teaches a CRS 26 (figure 1; column 3, line 61 to column 4, line 24).

1.7 Regarding claim 50, McNerney teaches obtaining caller information (column 5, lines 54-67).

1.8 Regarding claim 52, it is obvious that incoming calls will be placed in a queue when no agent is available.

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1.9 Regarding claim 53, McNerney teach multiple ACD 36 and 48 in figure 1.

1.10 Regarding claim 54, it is obvious that a caller center includes a billing destination and a bill collect destination for collecting payment from a caller who orders merchandise or service.

1.11 Regarding claim 55, McNerney teaches CTI 48 which couples to IVR 24 and agent station 50/54.

1.12 Regarding claim 56, McNerney teaches transferring call information to agent's work station for display (column 4, lines 50-55).

1.13 Regarding claim 60, McNerney teaches that calls are routed between IVR units (column 1, lines 29-31).

2. Claims 42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney et al. US 6,038,293 in view of Wolf US 5,946,377 and further in view of Brown et al. US 7,130,411.

2.1 Regarding claim 42, the modified McNerney reference teaches using a CRS 26 to collect caller information, but fails to teach determining a personalized message for a caller, when the caller is in a queue.

However, Brown discloses a call center 16 with an IVR 13 in figure 1. Brown teaches playing a personalized message to a call waiting in a queue (figure 3; column 2, lines 47-62; column 5, lines 42-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the McNerney's reference with the teaching of Brown, so that a personalized message, informing the caller about his position in a queue and estimated wait time, would have been played to the caller, because such a modification would have enabled a caller to decide whether to wait in the queue.

2.2 Regarding claim 45, the modified McNerney reference teaches coupling to a computer network for receiving VOIP calls, but fails to teach sending email message in response to a determination from the CRS 26.

However, Brown discloses a call center 16 with an IVR 13 in figure 1. Brown teaches playing a personalized message to a call waiting in a queue (figure 3; column 2, lines 47-62; column 5, lines 42-61), and if a caller responds with a request of an email, then an email message is sent to the caller.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the McNerney's reference with the

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teaching of Brown, so that the system would have been able to send email to caller upon request, because such a modification would have made the system a multimedia system.

3. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney et al. US 6,038,293 in view of Wolf US 5,946,377 and further in view of Sichelman et al. US 2003/0235282.

McNerney teaches using an IVR 24 to obtain call information, including a caller's spoken name and information requested by the caller, and transferring the call information to an agent (column 4, lines 25-39, 50-55), but fails to teach that the transfer is a whisper transfer.

However, Sichelman teaches that in a call center, a caller is transferred to an agent using whisper transfer (paragraph 0042).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the McNerney's reference with the teaching of Sichelman, so that call information, including a caller's spoken name and information requested, would have been transferred to an agent using whisper transfer, because such a modification would have enabled an agent to listen call information of a caller before taking a call.

4. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney et al. US 6,038,293 in view of Wolf US 5,946,377 and further in view of Blaha et al. US 5,729,600.

McNerney teaches using an IVR 24 to obtain call information, but fails to teach determining a DNIS, and if there is no DNIS, playing a predefined message to a caller.

However, Blaha teaches a call center 10 in figure 1 with an IVR 18 to collect call information, and if there is no DNIS associated with call a pre-defined message is played to a caller (column 3, lines 21-44; column 4, lines 29-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the McNerney's reference with the teaching of Blaha, so that when no DNIS, a pre-defined message would have been played to a caller, because such a modification would have enabled system to determine which called party a caller intended to call.

5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNerney et al. US 6,038,293 in view of Wolf US 5,946,377 and further in view of Gisby et al. US 6,044,146.

McNerney teaches routing a call to agent, but fails to teach that the routing is determined by priority of the call.

However, Gisby discloses a call center 19 in figure 1. Gisby teaches using an IVR to collect call information and routing the call based on the priority of the call (column 4, lines 12-16; column 5, lines 60-67; column 6, lines 1-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the McNerney's reference with the teaching of Gisby, so that when an incoming call would have been routed to an agent based on its priority, because such a modification would have enabled system to serve higher priority calls first.

Response to Arguments

6. Applicant's arguments with respect to claims 40-56 and 60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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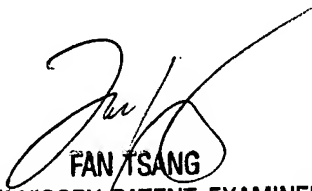
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

08/22/2007



FAN TSANG
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